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## FAX SHEET

**TO:** Examiner Minh-Tam Davis

**FROM:** Joe Skerpon

**FAX:** (703) 746-7145

**PAGES:** 8

**RE:** S.N. 09/387,340  
Searle MON-102.0; 3119-C  
(061765.00367)

**DATE:** January 31, 2002

*If you do not receive all page(s) or have any problems receiving this transmission, please call:*

**NAME:** Joe Skerpon

**PHONE:** 202 508 9112

### COMMENTS:

Dear Examiner Davis: Enclosed for your review is a courtesy copy of the Preliminary Amendment, filed on 18 January 2002. You indicated that you did receive the Supplemental IDS, which was hand-carried to you. Once you have an opportunity to review this amendment you will call me (202-508-9112) to arrange for an interview to discuss the pending claims in light of the prior art. If I have not heard from you by the middle of next week, I will call to see what can be scheduled. Thank you very much.

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☒ PATENT ☐ DESIGN B&W Ref. 61765.00367 Date 1-18-02

☒ HAND CARRY Group/Section \_\_\_\_\_ Bldg \_\_\_\_\_ Rm \_\_\_\_\_

Serial/Patent No. 09/387,340 Atty/Sec JMS/BAO

Inventor Needleman et al Client Pharmacy

Title An Immunological Process and Constructs For Increasing the LDL Cholesterol Concentration

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

☐ total pp Spec., including: # of Claims \_\_\_\_\_

(# of independent claims \_\_\_\_\_): ☐ Abstract

☐ Drawings: ☐ Formal ☐ Informal

# of distinct sheets \_\_\_\_\_: Figs. \_\_\_\_\_

☐ Declaration/Power of Attorney: ☐ Executed ☐ Unexecuted

☐ Assignment w/PTO Cover Sheet

☐ IDS w/PTO 1449 ☐ References ☐ w/Fee

☒ Preliminary Amendment

☒ Priority Claim (Foreign or U.S. Provisional, B&W # \_\_\_\_\_)

Country \_\_\_\_\_ Appl. # \_\_\_\_\_ Date \_\_\_\_\_

☐ w/Foreign Priority Document(s)

☐ Application: ☐ CIP ☐ Continuation ☐ Divisional

Parent Ser. No. \_\_\_\_\_ B&W# \_\_\_\_\_

☐ U.S. Provisional \_\_\_\_\_ pp Spec/Claims; Cover Sheet

☐ Response to Missing Parts/Requirements due

☐ Response to Notice to File Corrected Appn. Papers due

☐ Request for Expedited Foreign Filing License

☐ Request for Corrected: ☐ Filing Receipt ☐ Assignment

☐ Response to Restriction/Election Requirement

☐ Sequence Listing: ☐ Diskette ☐ Paper

☐ Amendment ☐ Response: OA due

☐ Petition for Extension of Time until \_\_\_\_\_

☐ CPA ☐ RCE ☐ w/Ext of Time: OA due

☐ Request for Approval of Drawing Changes

☐ Notice of Appeal & Fee

☐ Brief: ☐ Appeal & Fee ☐ Reply

☐ Request for Oral Hearing

☐ Issue Fee ☐ Advance Patent Copies (# ordered \_\_\_\_\_)

☐ Notice of Allowance due

☐ Amendment under 37 CFR 1.312

☐ Request for Certificate of Correction

☐ Transmittal ☐ Fee Transmittal w/Auth. to Charge Deposit Acct.

☐ Certificate of Mailing

☐ Check # \_\_\_\_\_

21-6-Hd-81-147-20

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BAW Rev. 5/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of	)	
NEEDLEMAN et al.	)	Group Art Unit 1642
Serial No. 09/387,340	)	Examiner: Minh-Tam Davis
Filed: August 31, 1999	)	
Continued Prosecution Application	)	Atty. Docket: MON-102.0-C
Filed: January 4, 2002	)	(3119-C)(061765.00367)

For: **AN IMMUNOLOGICAL PROCESS AND CONSTRUCTS FOR  
INCREASING THE HDL CHOLESTROL CONCENTRATION**

PRELIMINARY AMENDMENT

The Honorable Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

This paper is submitted in furtherance of the interview conducted with Examiner Davis on January 9, 2002. At that interview the 35 U.S.C. 112 support for a new claim was discussed and agreement was tentatively reached on that issue. This Preliminary Amendment now introduces that claim for examination, as well as several dependent claims, to replace the claims previously pending. Applicants do not believe any fee is required to enter the amendment. If a fee is due, applicants hereby authorize the charging of Deposit Account No. 19-0733 for any such fee(s).

IN THE CLAIMS

Please cancel claims all pending claims, believed to be claims 11, 12, 14 and 15, and add new claims 44-47 as follows:

# 12/D  
K  
3-502  
Official  
Dis  
02/04/02